Sectt. II-27—104,006—4-11-49.

P.W (1951) Department.

MS SERIES.

G.O. NO. 1209

1209

Dated 26-3-51

Closed
Separate

[Despatch Abstract.]

BUILDINGS - South Kanara District - Residential buildings - Collector's bungalow - Fixation of rent - Orders passed.

...

Ref.C.No.5325/47-B.5.

Collector's Office, S.Kanara,
Mangalore, Dated 9th Septr.47.

From

J.F.Saunders Esq., M.B.E., I.C.S.,
Collector of South Kanara, Mangalore.

To

The Secretary to the Government,
Public Works Department,
Madras.

Sir,

Buildings: South Kanara District -Residential buildings- Collector's Bungalow - Rent -Reduction - requested.

Ever since I came to this District I have been amazed at the very high rate of rent that I am charged for the occupation of the Collector's Bungalow. This amounts to Rs.210/- per mensem (subject to the limit of 10% of my salary) although the Bungalow is approximately 100 years old, it is very delapidated, it has no running water or other amenities, and the compound has no wall. Recently I have had occasion to refer to the files connected with the acquisition of this building, and it seems to me from a perusal of the records that the rent has been incorrectly worked out by the P.W.D.

As Government will be aware, the Bungalow was built in the middle of the last century, probably by then then Civil and Sessions Judge. In due course it was sold to a private party, who continued leasing it out to successive Collectors. This continued until 1936, when a dispute arose between some of the heirs of the original owner about the division of rent, as a result of which acquisition proceedings were started. That was in Mr. Gawne's time. The Bungalow and its compound were first valued by the Land Acquisition Officer at Rs.36,026/- but this was raised to Rs.70,900/- by the Sub-Judge Mangalore. Finally, the latter figure was reduced by the High Court on appeal to Rs.65,500/-. In addition, incidental charges were incurred by way of costs, solatium etc: as a result of which the total cost of acquisition amounted to Rs.82,079/- as shown below:--

(i) Cost of land and buildings.	Rs.65500/-
(ii) 15% solatium.	9825/-
(iii) Interest paid	4528/-
(iv) Court costs in lower and appellate courts.	3926/-
	83779/-
(v) Less deductions on account of compensation unclaimed court cost recovered etc.	1700/-
	82079/-

Copies of the order of the Land Acquisition Officer and of the Judgments of the Sub-Judge Mangalore and of the High Court are submitted, together with a copy of the working sheet furnished by the P.W.D. showing how the rent has been calculated. These calculations in the working sheet are wrong for two reasons. In the first place it will be seen that the value of the building has been estimated by subtracting the "decreed" value of the land from the total cost of the acquisition proceedings. This has resulted in all the incidental charges relating to the whole cost of the acquisition (such as court costs, solatium etc.)being thrust on the value of the house alone. This is clearly incorrect, for the land should obviously bear its share of these charges also.

Secondly, the basic value of the building has been incorrectly determined owing to a wrong interpretation of the judgments of the two courts, as will become apparent from the following:--

. . . . . .

It will be seen from a perusal of the two judgments that the property comprising the Bungalow and 23 acres was valued in two separate parts, the first consisting of the Western block comprising the Bungalow and its immediate surroundings of 11 acres of land, on which there are no buildings. The latter was valued by the Sub-Judge at Rs.32,500/- and this figure was accepted by the High Court; about this there is no dispute. But while the former was valued at Rs.38,000/- by the Sub-Judge, the High Court reduced this figure to Rs.33,000/-. As the rent of the a Government Bungalow is calculated on the value of the buildings alone, the problem is to divide up the final valuation of Rs.33,000/- between the value of the buildings on the one hand and the value of the accompanying 11 acres of land on the other. It is here that the chief difficulty arises, for nowhere in either of the two judgments is there a specific finding on the point. The P.W.D. have sought to get over it by reference to the remark made by the Sub-Judge in a sentence in Paragraph 67 of his Judgment that the value of the 23 odd acres of land works out to Rs.2157/- per acre, and by subtracting the value of the land at this rate from the total value of Rs.82,079 for the whole property, and by thrusting all the incidental charges on to the buildings alone, the value of the latter has been estimated at Rs.31,195/-. This however is a wrong interpretation of the judgment, for it is based on only half of what the Judge said. The sentence in question reads as follows:

> " Even if we value the building at Rs.20,000 separately, the whole of the 23 acres and odd would be worth on an average nearly Rs.2157/- per acre."

In other words the Sub-Judge was of the view that the buildings alone should be valued at Rs.20,000/- and as he has made a remark to the same effect in paragraph 64 of his judgment it may be taken that that was his considered opinion. It may also be taken that the P.W.D. accept this figure, for the Department have acted on the second half of the sentence, which is calculated from the figure of Rs.20,000/- mentioned in the first half. The value of the accompanying 11 acres of land therefore comes to Rs.38400 — Rs.20,000 or Rs.18,400/ and the value of buildings alone amount to 20/38.4 of the whole.

But this figure of Rs.20,000 is not the figure that was finally accepted by the High Court, for the value of the combined property was reduced from Rs.38,400/- to Rs.33,000/-. Although the High Court did not value the buildings and the land separately it follows that the value of the former alone amounts to $\frac{20}{38.4}$ x Rs.33,000 or Rs.17,188. It is clearly this figure which, together with the proportionate costs and other charges, should be used as the basis for calculating the rent.

On this basis the cost of acquisition works out as follows:

	Western Block:		Eastern Block:	
	Buildings	11 acres of land:	12 acres of land.	Total.
Valuation:	Rs.17188	Rs.15812	Rs.32500	Rs.65500
15% Solatium	2578	2372	4875	9825
Court costs less deductions on account of court costs awarded to Govt. etc.	585	537	1104	2226
	20351	18721	38479	77551

In this connection it is necessary to mention that I have omitted Rs.4528/- being interest from the costs as accepted by the P.W.D., as this relates to the interest paid by Government for the period from the date that possession was first taken until the compensation was finally paid into Court. As Government were receiving rent for the buildings for whole of that period it follows that these interest charges ~~for xx h ax w ha ix ex f x h x x p~~ were covered by the current rent then received. They should not therefore have been included in the final valuation of the property.

On the basis of the above figures the rent for the Bungalow works out as follows:

Cost:	Rs.20,351
Subsequent improvements.	7,498
Electrification	220
	28,069
6% of the capital cost	1,684
Add Annual taxes	178
Therefore monthly rental.	Rs. 155/-

On this basis it will be seen that Government have been collecting an excess rate of rent eversince the Bungalow was first acquired. Although the rent paid by the various Collectors may not on all occasions had reached the economic rent (owing to its limitation of 10% of their salaries), the attached working sheet furnished by the P.W.D. shows that up to the time that I began to occupy the Bungalow, a sum of Rs.1294/- had been collected in excess of the proper rent. Strictly speaking these excess collections should be returned to the Officers concerned, but as that may not now be possible, I suggest that the excess be credited towards the capital cost of the building and that the present rent be reduced proportionately. If this is done the rent works out to Rs.148-8-0 per month as shown below:

Total cost of the building with electrification.	...Rs.28069- 0- 0
Deduct excess rental collected.	1294- 0- 0
Net capital cost.	26775- 0- 0
6% of the capital cost.	1606- 0- 0
Add taxes.	178- 0- 0
Monthly rental.	1784- 0- 0 / 12 i.e.148-8-0

Apart from the above however ~~I~~ 3.83 acres of the compound ~~that after the acquisition proceedings~~ ~~college~~ for Rs.37,000/- or at well over ~~were sold to-day.~~ At this rate the value of the compound works ~~Rs.~~ to approximately Rs.23 x 4000 i.e. Rs.92,000/- which is more than the cost of the whole property, including the Bungalow. While I would not go so far as to say that the latter is at present value-less I would stress the point that owing to its great age it is certainly not worth very much, for it is so decrepit that it is liable to fall down at any moment. Indeed, it is at present supported by some 40 teak trees which have been cut from the compound to act as props. In these circumstances I suggest that the most satisfactory arrangement will be to have the building revalued by the P.W.D.

Finally I request that the reduced rent be given effect to from the date that I first occupied the bungalow, and that I may be given a refund of the excess sum paid to date.

Collector. 9/9/47.

4

4928G
30.0.47

P.W.D(Q)

Endt No. 3729-Q/47-1Q 24-9-47

Referred to the C.E.(J) Bldgs Branch for very early remarks.

26/25-9

To

The C.E.(J) Bldgs Br. with copy of pp1-3 ante & with the papers at (Y) (R) (K) & (I) in origl to be returned along with reply.

(R) (I) (Y)

Kbs 19.9.47

AD/S (for proc) 24/9/47

5 PWD(G)

Memo 4929 Q1/47-1 dt 18.11.47

23/19.11

Subs:- Buildings. South Kanara District - Residential Buildings - Collector's bungalow - Rent - Reduction - Regarding.

Ref:- Govt. Endt. No. 3729 Q1/47-1 dt 24.9.47.

The attention of the CE (Buildings Branch) is invited to the reference cited above and he is requested to expedite his reply.

18.11.47

To

The CE (Buildings Branch)

17.11.47

12.11.47

26/11

6

PWD (G)

Memo 4928 G(47-2 dt 2.12.47)

9/3.12

Subj:- Buildings South Kanara Dt. Residential Buildings - Collector's Lr. Lowering Rent - Reduction. Rep.

From the Collector of Mangalore Lr. No. 5325/47-B5 dt 18.11.47. 27 Encls

The Collector of South Kanara Dt; Mangalore, is informed that the matter is under consideration of the Govt

2/1.12.47

30.11.47

To the Collector of South Kanara Dt Mangalore

Please see the Collector's report on proposal. No CE's opinion is awaited in the matter. He was invited on 18-11-47 and reminded on 29/11 to the Collector's Tel. message for early report.

Ref:C.No.5325-47-B5.

S.Kanara Collector's Office,
Mangalore, dated: 18-11-47.

From

Sri S. Balaji Rao,
Hd.Qrs. By.Collector in charge,
Mangalore.

To

The Secretary to Government,
Public Works Department,
M a d r a s.

Sir,

BUILDINGS: South Kanara District - Residential buildings-Collector's Bungalow - Rent - Reduction - Request.

Ref: This Office Ref:C.No.5325-47-B5 dated 9-9-47 - Hpl-2 and 3

I invite attention to this office reference cited above and request that orders, if any, passed may please be communicated to me with the enclosures submitted from this office.

For Collector.

ASSISTANT SECRETARY TO GOVERNMENT
11 DEC 1947
5874
PUBLIC WORKS DEPARTMENT

From

Sri Rao Bahadur
A.R.Venkata Acharya,B.E.,I.S.E.,
Chief Engineer (Irrigation),
GENERAL BRANCH,
Chepauk, Madras.

To The Secretary to Government,
Public Works Department.

Letter No. 5491-AC/47-3 dated 8th December 1947.

S i r,

Buildings - South Kanara District - Residential Buildings - Collector's Bungalow - Rent reduction - re:
Refce. P.W.D. Memo No.4923 G/47-1 dated 18-11-47.

The matter has been referred to the Superintending Engineer, Coimbatore Circle for remarks and his reply is awaited. The reference will be disposed of after his reply is received.

PWD(G)

Venkata Rowanan
9.XII.47

for Chief Engineer,P.W.D.(Genl.).

SKd/8-12-47.

AR 28/11/47

12/12/47 12/12/47 2/12/47

9/12.

10

H 5-1

T.M. 49286/47-3 dt 3-1-48.

To

The CE (G) General Branch,

Sub: Buildings. Santa Kanara Dr. Residential Buildings - Collr's Bungalow. Reduction Ref

Read: Your No. 5491 Bel/47-3 dt 6.12.47.

Please refer to your letter cited above and say when your reply may be expected.

23.12.47

27.12.47

Copy

31.12.47

Ref.C.No.5325/47 B5.

S.K.Collector's Office,
Mangalore.Dated 4-1-48.

From

J.F.Saunders, Esq., OBE., ICS.,
Collector of South Kanara,

To

The Secretary to the Government,
Public Works Department, Madras.

ASSISTANT SECRETARY TO GOVERNMENT IN PUBLIC WORKS DEPARTMENT
69 7 JAN 1948

Sir,

BUILDINGS: South Kanara District Residential buildings - Collector's Bungalow / Rent / reduction - Proposal - early orders - Solicited.

Ref; (1) This Office Ref. 5325/47 B5 dated 9-9-47.

(2) Government Memo. No.49206/47-2 dated 2-12-47 from the P.W.Department.

I request that the Government may be pleased to pass early orders in the matter, as I am likely to leave the District before long. If by any chance orders could not be issued before I go I request that any refund that is due owing to a reduction in the rent since I arrived may be paid to me. I make this request as according to my figures I have paid nearly Rs.50/-. in excess of what should have been demanded of me.

For Collector.

12

11
9.1

Memo 4928 Or/47-4 dt 9-1-48

Subj: Buildings - South Kanara Dt. Residential Buildings - Collector's Bungalow. Rent - Reduction. Rep.

Ref: From the Collr. South Kanara. No 5325/47-B5 dt 4-1-48.

The Collector of South Kanara Dt, Mangalore, is informed that the matter is still under consideration of this Govt.

2/8/48

dft 9/1/48

To the Collector of South Kanara Mangalore.

9-1-48

13

Office of the Chief Engineer, P.W.D.
General.

Memo No. 5491 AC/47-4 dated 19-1-1948.

Read: From the Superintending Engineer, Coimbatore Circle letter No. 2376 W dated 11-12-1947.

Sub: Buildings - South Kanara District - Residential Buildings - Collector's Bungalow - Rent reduction - reg:

The Superintending Engineer, Coimbatore circle is requested to report whether the report called for from the Executive Engineer, West Coast Division has been received, and if so, when it will be expected in this office with the Superintending Engineer's remarks thereon. The Government are pressing for the report.

A.R. Venkata Acharya,
Chief Engineer, General.

To
The Superintending Engineer, Coimbatore circle.

P.C.O

14.

ASSISTANT SECRETARY TO GOVERNMENT (illegible)
20 JAN 1948
PUBLIC WORKS DEPARTMENT

Endorsement No. 5491 AC/47-5 dated 19-1-1948.

A copy submitted to Government with reference to their letter No. 4928 G/47-3 dated 3-1-48. A further report will be submitted after the Superintending Engineer's reply is received.

430

for Chief Engineer, P.W.D. 21.1.48

To ✓
The Secretary to Government,
Public Works Department.

21/1.

LP/20.1.

PWD (G)

A. R. 21-1-48

2/1/48

21.1.48

Ref: 5325-47-B5.

S. Kanara Collector's Office,
Mangalore, dated: 4-3-48.

From
S. R. Kaiwar, Esq., I.C.S.,
Collector of South Kanara,
Mangalore.

To
The Secretary to Government,
Public Works Department,
M A D R A S.

***

ASSTT. SECRETARY TO GOVERNMENT
1406
6 MAR 1948
PUBLIC WORKS DEPARTMENT

Sir,

BUILDINGS: South Kanara District - Residential buildings - Collector's bungalow - Rent - reduction - proposals - orders

---

Ref: (1) This office Ref: 5325-47-B5 dated 9-9-47.

---

(2) Government Memo No.4928G/47-2 P.W.D. dated 2-12-47 and # 4 dated 8-1-48.

I invite attention to the references cited above and request that orders, if any, passed may please be communicated to me at an early date.

For Collector.

4.3.48

Draft-2

17

PWD (G)

6142/15-3

A

p15c/c

Memo 4928 G/47-3 dt 11.3.48

Sub:- Buildings South Kanara Dt. Residential Buildings Collector's Bungalow - Rent - Reduction - Proposals.

Read: From the Coll. South Kanara, Mangalore No 5325/47 B3 dt 4.3.48.

The Coll., South Kanara, Mangalore is informed that the matter is still under consideration of the Govt

To the Coll. South Kanara, Mangalore.

Draft-2

Memo 4928 G/47-4 dt 11.3.48.

62/15-3

p14c/c

Sub: [Same as 'A' above]

Ref: From the CE(2) B&R Branch Endt. 5491/AC/47-3 dt 19.2.48

The attention of the CE(2) B&R Branch is invited

To [illegible]

to the reply cited above and he is requested to state when his reply may be expected.

[illegible]
10.3.48

2/11/48

To
The CE (O) Building Organisation Branch

dpsg
17.3.48

Draft reply to the Collr and the draft reminder to the CE (O) submitted on 10/11.2 are for approval.

[illegible]
10.3.48

22/11/48

Ref.No.5325-47-B5.

South Kanara Collector's Office,
Mangalore, dated: 5th April 48.

From

S. R. Kaimar Esq., I.C.S.,
Collector of South Kanara.

To

The Secretary to the Government,
Public Works Department, Madras.

Sir,

BUILDINGS - South Kanara District - Residential buildings - Collector's Bungalow - Rent - Reduction - Proposals - Claim - Submitted.

Reference: (1) This office report Ref.C.No.5325-47-B5 dated 9-9-1948.
(2) Govt.Memo No.4928-G-47-3 dated 11-3-1948.

I request that I may also be given the benefit of any reduction with effect from the date of occupation by me, i.e., 30-1-1948.

For Collector.

20

PWD (G)

Memo 4925 G/47-5 dt 12.4.48 18/14/4

Sub: Buildings - South Kanara Dt - Residential buildings - Collector's bungalow - Rent - Reduction - Rep

Read: From the Collector, South Kanara letter No 5325/47B5 dt 5-4-48

A copy of the letter cited above is forwarded to the CE (G) Buildings Branch for information and necessary action in continuation of Govt Endt No 3729 G/47-1 dt 24.9.47 and he is requested to expedite reply.

12.4.48

for Secretary

To
The CE (G) Bldgs Branch
with a copy of plaint

P.W.D

Memo no. 4928 G/47-6 Dated 17-5-48

Buildings - South Kanara Dt. - Residential buildings - Collector's bungalow - Rent - Reduction of

Ref:- Govt. Memo no. 4928 G/47-5 G, 12.4.48

The C.E.(I) Buildings Branch is requested to expedite his reply to the memo cited above.

15.5.48

To

The C.E.(I) Bldgs. Branch.

15.5.48

Kept

19/5

F.R. 21.5.48

?

Not issued – vide p:23 infra

P.W.D

Memo no. Dated

Sub:- Here enter 'X' on p 21 ante. p:21 ante

Ref:- Govt Memo no. 4928 G/47-5 G/12.4.48 and reminders thereon G/17.5.48 & 22.6.48

The C.E. (I) General is requested to expedite his reply.

16.7.48

16.7.48

To

The C.E. (I) General

PUBLIC WORKS DEPARTMENT

From
Sri Rao Bahadur
A.R.Venkatachari, B.E., I.S.E.,
Chief Engineer, P. W. D.
GENERAL BRANCH,
Chepauk, Madras.

To
The Secretary to Government,
Public Works Department,
Fort St. George,
MADRAS.

ASSISTANT SECRETARY TO GOVERNMENT
10 JUL 1948
PUBLIC WORKS DEPARTMENT

Letter No.4216 [illegible]/48-1 14595 Dated.12-7-'48.

Sir,

Sub: Buildings - South Kanara District - Residential buildings - Collectors bungalow - Rent - Reduction of -

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Ref: Government Memorandum No.4928 G/47-6 dated 17-5-'48 and the exchange reminder dated 22-6-'48.

The report called for from the Superintending Engineer, Coimbatore Circle has since been received and it is under examination. Further particulars are being called for from the Executive Engineer. A final reply will be sent to Government on receipt of his report.

A Venkata Ramanan
14.7.48
for Chief Engineer, P.W.D.(General).

Encl: 1 Reminder.

VB/13-7.

P.W.D(G)
A.R. 15.8.48
19.7.48
19.7.48

Office of the Chief Engineer, P.W.D.,
General, Chepauk, Madras.

5044

LETTER No.5491 AC/47-6 dated 31st July 1948.

From Sri Rao Bahadur A.R. Venkatachari, B.E., I.S.E.,
Chief Engineer, P.W.D.(General).

To the Secretary to Government,
Public Works Department.

Sir,

Sub: Buildings - South Kanara District - Mangalore Collector's bungalow - rent - fixation of -
Ref. Government Endt. No.3729-Q/47-1 d/24-9-47 and Memo No.4928-G/47-5 dated 12-4-48.

I forward herewith a copy of letter No.407-W/47-E. dated 28-2-48 from the Superintending Engineer, Coimbatore Circle, wherein all the points raised by the Collector of South Kanara in his letter to Government have been dealt with. I agree with the views of the Suptg. Engr. The capital cost of the building Rs.39,832 worked out by the Suptg. Engr. is reasonable. The Collector seems to have taken the maximum advantage of the fact that the decrees of the Courts of the Sub Judge and the High Court, do not make a clear and specific mention, as to how the total amount of compensation is to be apportioned between the building and the land.

2. As suggested by the Collector himself in paragraph 3 of his letter, oneway to avoid this difficulty is to assess the value of the building at the time when it was acquired by Government, irrespective of any other consideration, and fix the rent on the value of the building thus arrived at.

3. Working on the basis of a cube rate Re.0-3-5 per Cft. which was the rate obtaining in Mangalore for buildings executed in 1937-38, a new building for the Collector's bungalow (having the same cubic contents as the existing building) would have cost in ~~1947~~ 1937-38, Rs.67,587/- (Please see statement (A) enclosed). Allowing a depreciation of 1% which is the percentage fixed by Government in G.O. No.2380 L & M. dated 16-6-1930, the cost of an acquired building at least 76 years old (Year 1861 - 1937) would work out to Rs.35,937/- which includes a sum of Rs.8,637/- towards the cost of the appurtenances to the building. The amount of Rs.35,937/- is the lowest possible valuation of the capital cost and nearly agrees with the Suptg. Engr.'s figure of Rs.39,832/- which has been disputed by the Collector, as being too high. In these circumstances I consider that there is no need at present to revise the rent paid by the Collector.

4. I am calling for a further report from the Suptg. Engr. as to when the rent of Rs.199/- per month was finally approved by competent authority, and from what date it was to have effect, and also to state whether any amount has been refunded to the Collector from the date the reduced rent of Rs.199/- was in force. A report on this will be submitted to Government in due course.

5. The enclosures received with the Government references are resubmitted.

for Chief Engineer, P.W.D.(Genl.).
2.8.48

Encls: 1) Copy of S.E's letter.
2) File containing (i) the order of the land Acquisition officer, (ii) Judgment of the Sub Judge, Mangalore and (iii) judgment of the High Court.
3) Rent data statement. (4) Statement (A).

27

STATEMENT - A.

Collector's Bungalow, Mangalore. .Valuation based on 1937 rates.

Cubic contents (as per Register of Buildings).	= 2,76,058 Cft.	
2,76,058 Cft. Main Building @ 0-3-5 per Cft.	=	Rs.58,950/-
Electric wiring	=	220/-
Further improvements as reported by Suptg. Engr. ..		8,417/-
Total.		Rs.67,587/-

Allowing a depreciation of 1% the cost of an acquired building 76 years old (1861 - 1937) would be

$$= 58,950 \left(1 - \frac{1}{100}\right)^{76} + 8637 = \text{Rs.35,937/-.}$$

ska/31-7-48.

Srinivasa Rao
2.8.48
Asst. Dy Ch. Engineer Pwd. (El)

Sfc 29

Urgent. Public Works Department.

From
W.J.Joseph, Esq., I.S.E.,
Superintending Engineer,
Coimbatore Circle,
Coimbatore.

To
The Chief Engineer, P.W.D.,
General, Madras.

No. W 407 /47.E.(AC) dated 28-2-48.

Sir,

Sub. Collector's Bungalow - Mangalore - Data statement for fixing rent - reduction of rent.

Ref. Chief Engineer's no. 5491-Ac-47-1, dated 4-10-47.
47-4, dated 19-1-48.

--

The Collector's Bungalow at Mangalore with site measuring 23.59 acres was acquired on 18-3-46 at a cost of Rs.41127 with reference to G.O.No.464-W, dated 19-2-36. Details of cost paid are as under. not pwt wp.

	Rs
Value of the bungalow with outhouses, stables and garages and the land based in capitalized rent. 10 months rent at Rs 160 p.m. x 20	32.000
Value of trees.	2,000
Add 15% solatium on the above items.	5,100
Add damage in connection with re-roofing work of the verandah of the bungalow.	2,027.
	41,127.

A sum of Rs.220 was also spent in the same year for providing electrical connections to the bungalow. Thus the total cost of buildings and site is Rs.41347.

2. Not being satisfied with the compensation awarded by the Revenue Department, the owners of the property went to Court. The Subjudge, Mangalore decreed for the payment of enhanced compensation of Rs.34873 and a solatium of 15% thereon (i.e. Rs.5231) Thus the total amount of compensation to be paid to the owners came to Rs.81231. A payment of interest at 6 per cent for the additional compensation of Rs.34873 from 18-3-36 to date of deposit in the Court on or before 21-5-38 was also decreed. The enhanced compensation with other amounts as decreed was remitted in the Court in 1938 and the High Court was moved on the decree of the Subordinate Judge of Mangalore. The High Court reduced the additional compensation with 15% solatium (i.e. Rs.40104) to Rs.34198 with proportionate costs. Due to this order, a credit of Rs.7498 in all was received and the total amount of compensation came to Rs.82299.

3. Later, 9.83 acres of land which was found surplus were sold in public auction for a sum of Rs.36886 and this was credited to the work. The net total cost of acquisition of the property came to Rs.45413. Taking a flat rate for cost of land at Rs.2157 per acre as stated by the Sub Judge in para 67 of his judgment, the above amount was distributed as follows:-

	Cost of buildings with electrical installations including all charges such as solatium and interest	Cost of land at Rs.2157 per acre for 23.59 acres.
Total amount of compensation as decreed by the Sub Judge.	Rs.38913 plus 50884 = Rs.89797.	
Deduct the amount of compensation reduced by the		

High Court with proportionate cost. (-)7498.

Total. Rs.38913 - 7498 = Rs.31415

Deduct sale proceeds of the disposal of 9.83 acres of surplus land. Rs.50884 - 36886 = Rs.13998

Total. Rs.31415 plus 13998 = Rs.45413

Further improvements at a cost of Rs.8417 were carried out to the building and the total cost came to Rs.53830. This has to be allocated as (1) Buildings Rs.31415 plus 8417. Rs.39832
(2) Land. 13998
Rs.53830

4th para.
Provisional data statements for recovery of rent were approved as noted below:-

No. 38 -C, dated 19-1-37 of the Supg. Engr. Coimbatore circle Rs.207 p.m.
1031- C, dated 20-1-38 do. 237 p.m.
1032--C. dated 20-10-38. do 245 p.m.
432 -C, dated 21-5-41 do 246 p.m.

A revised data statement fixing rent at Rs.199 p.m. was sent to the Accountant-General by the Executive Engineer, West Coast Division in his no. 250 /G, dated 26-6-46. Rent at 10% of the occupant's pay is being recovered from the date of acquisition of the bungalow todate.

5. The Municipal tax for the bungalow is Rs.474-13-10 as detailed below.

For half year.	Property tax.	Rs.148--6--5	
	Education tax	14-13--5	
		---------	Rs.163-3-10.
	Scavenging tax.	14-13--5	
	Lighting tax	29-10-10	
	Water and drainage tax	29-10-10.	74--3-1
		-------	-------
			237--6-11

For 1 year. Rs.237-6-11 x 2 = Rs.474-13-10.

Service tax for 1 year. Rs. 74--3--1 x 2 = Rs.148--6--2

do. for 1 month. Rs. 148--6--2 / 12 = Rs.12-5-10 or Rs.12-6-0.

6. The capital cost of the building was calculated by deducting the sum of Rs.50884 i.e. value of 23.59 acres of land at a flat rate of Rs.2157 per acre as stated in para 67 of the judgment of the Sub Judge from the total expenditure. The solatium interest and costs were added to the capital cost as there was no mention of separate valuation of the building in either judgment. This is probably on the assumption that the bungalow is the object and that the acquisition proceedings were taken only for the residence for the Collector and not for the sake of the land. This is better seen from the reduction of compensation charges ordered by the High Court. A sum of Rs.7498 was reduced from the cost of the building without any reduction from the cost of the land.

7. The Collector considers the above calculation as incorrect and suggests taking the original cost of building including solatium etc. as Rs.20351 or taking the value of the building as Rs.20,000 as mentioned by the Subjudge plus solatium of Rs.2578 and Rs.585 and proportionate interest.

8. The original valuation by the land acquisition officer was based on capitalized rent for 10 months (rent at Rs.160 x 20 =32000); but the High Court increased the valuation of building and 11 acres of land taking rent at Rs.160 p.m. from 20 to 25 years and deducting a sum of Rs. 600 towards tax, repairs etc. i.e. Rs.160 x 12 - 600 = Rs.1320 x 25 or Rs.33000. Thus the amount was increased by Rs.1000.

9. Age of bungalow:- The bungalow no doubt is very old. The rate of rent of Rs.160 fixed before the acquisition was admitted by the Subjudge and confirmed by the High Court. Repairs and improvements have been carried out to the bungalow to replace damaged or worn out components of the building and make it ~~xxxxx~~ serve the purpose for which it was ~~xx~~required. An estimate costing Rs.12,900 (C.E.No. 3 of 46-47) is under execution. Items coming under repairs and replacement will not be added to the capital cost, i.e. to say items of work to make the building almost as good as new will not appear under capital cost and therefore no extra rent on this account is payable by occupant. The Collector need not have therefore any room for complaint, on the score that the building is old.

10. In para 9 of the Collector's letter, he objects to the interest of Rs.4528 having been included in the final valuation. He contends that such interest charges are covered by the current rent recovered. I ~~xxx~~ do not agree with the Collector. Capital cost of the building includes all charges including interest on capital invested till the acquisition is completed.

11. In para 9 of his letter the Collector requires that the excess rent of Rs. 994 collected already be deducted from the capital cost~~xfix~~ of the building. The capital cost cannot be reduced by surplus credit and hence I think that the procedure as indicated by the Collector is not in order.

12. In para 11 of the Collector's letter the Collector states that the excess amount realised by sale of 9.83 acres of land should be deducted from the capital cost of the building.

The Collector has given 2 valuations.

11 acres of land		Rs.18721
12.59	do.	38479.
23.59		57200
Credit for disposal of 9.83 acres of land		36886
Cost of 13.76	do.	20314

The valuation of 13.76 acres of land noted in the revised data statement is Rs.13998 (taking the value of land at Rs.2157 per acre i.e. 50884 - 36886). Hence the excess credit for the value realised by sale can reasonably be given to the land and not to the building.

13. The capital cost as it stands is based on actual figures based on decrees of the courts and the usual procedure has been adopted in arriving at the capital cost. If the buildings are revalued afresh adopting the usual P.W.D. methods, it is not likely thatthe rent arrived at will be less, and in favour of the occupant.

I solicit the favour of your approval to the method already adopted regarding the assessment of capital cost of the above building.

SA

building.

Sd. N.J.Joseph, 27-2-48,
Superintending Engineer,
Coimbatore Circle.

psn27-2.
Enc. 1 original file.
1 Govt. memo in 3 sheets.
1 copy of data statements.
1 copy of allocation of expenditure.

P.W.D (G)

Please see the letter from the Collector of South Kanara on pp1-3 ante and the remarks of the C.E (Gl) thereon on p 25 ante. The C.E (I) Gl may be reminded for the further report referred to in para 4 of his letter on p25 ante. A draft memo is Ruled below for approval.

3.9.48

3.9.48

33 P.W.D

Memo No. 49288/47-7 Dated. 3-9-48.

Buildings - South Kanara Dt - Mangalore - Collectr's bungalow - Fixation of rent.

Ref:- From the C.E.(I) General No. SE91 AE/47-6 dt 31.7.48

The C.E.(I) General is requested to expedite the further report referred to in para 4 of his letter cited and to state when it may be expected.

3.9.48

3.9.48.

To

The C.E.(I) Gl.

AS IV

PUBLIC WORKS DEPARTMENT

35

From

Sri Rao Bahadur A.R.Venkatachari, B.E., I.S.E.,
Chief Engineer, P.W.D. (General),
Chepauk, Madras.

To

The Secretary to Government,
Public Works Department.

Letter No.5491 Ac/47-8, dated 28th Septr.1948.

Sir,

Sub: Bldgs. - South Kanara Dt. - Mangalore Collector's Bungalow - Fixation of rent -

Ref: Govt. Memo.No.4928 G/47-7, dated 3-9-47.

The particulars called for from the Superintending Engineer, Coimbatore Circle, are still awaited. He has been specially reminded in the matter. A reply will be sent to Government on receipt of his report.

for Chief Engineer, P.W.D.

E.R sent on 15-11-48

A.R. Fell 60-11-48

P.W.D (G) 14.10.48

S.S.4/10.

Ref.22907-48-B5.

S.K.Collector's Office,
Mangalore,dated 12-11-48.

From

S. Kaiwar Esq., M.A.,I.C.S.,
Collector of South Kanara,
MANGALORE.

To

The Secretary to Government,
Public Works Department,
M A D R A S.

Sir,

X BUILDINGS - South Kanara District - Residential buildings- Collector's bungalow- Rent- Reduction-Proposal.

****

Ref: 1) This Office Ref.5325-47-B5 dated 9-9-47, 18-11-47, 3-1-48 and 4-3-48 respectively.
2) Government Memo.No.4928 G/47-2 P.W.D dated 2-12-47, -4 dated 8-1-1948, and -3 dated 4-3-48 respectively.

**

I invite attention to the correspondence cited above and request that orders passed by the Government if any, may be communicated to me at an early date.

Yours faithfully,

For Collector.

P.W.D

Memo no. 4928 Gf/47-8 Dated 25-11-48

Subj :- (Here enter 'X' on p 37 ante)

Ref :- From the Collr. of South Kanara no. 22907-48-B5 dated 12-11-48

The Collector of South Kanara is informed that the matter is pending with the C.E.(I) Gl. Branch, Madras.

24-11-48

24.11.48

To

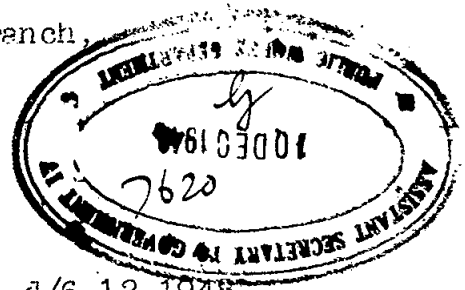
The Collr. of S. Kanara
Mangalore

Copy to C.E.(I) Gl. Branch w.r.t his no. 5691/AC/47-8 dated 28.9.48

Public Works Department.

From

Sri Rao Bahadur
A.R.Venkatachari, B.E., M.I.E.(Ind).,
M.Am.Soc.C.E., I.S.E.,
Chief Engineer (Irrigation) General Branch,
Chepauk, M a d r a s.



To

The Secretary to Government,
Public Works Department,
Fort St. George, M a d r a s.

Letter No.5491-Ac./47-10 d/6-12-1948.

Sir,

Buildings--South Kanara District--Residential buildings--
Collector's bungalow--Rent reduction proposal.
Ref:- Your Memorandum No.4928-A/47-8, dated 25-11-1948.

The report called for from the Superintending Engineer, Coimbatore Circle is still awaited. My reply will be sent to Government on receipt of his report.

A.VenkatRamanan
7.XII.48

for Chief Engineer, P.W.D.(General)

ssc/6-12.

P.W.D (Gl)
A.R. Vill 10-1-49

15.12.48

ER Dept on 12-1-49
16-2-49 + 17.3.49

15.12.48

15.12.48

P.W.D

41

Memo No. 4928 G/C/47-9 Dated 26-4-49

Bldgs- South Kanara Dt.- Residential buildings - Collector's bungalow - Reduction of rent- Proposal

Ref:- From the C.E.(I) Gl. Branch No. 5491 AC/47-10 dt. [redacted]-48

The C.E.(I) General Branch is requested to expedite his further report.

22.4.49

---

1 E.R. 25.5.49.

To The C.E.(I) Gl. Branch.

PUBLIC WORKS DEPARTMENT.

****

From Sri M.S. Thirumala Ayyangar, B.E., M.I.E., I.S.E.,
Chief Engineer, P.W.D.,
(Buildings),
To Chepauk, Madras.

To
The Secretary to Government,
Public Works Deprtment.

LETTER No. 2879.Wks/49-1 dated 7th June 1949.

Sir,

Buildings - South Kanara District - Residential Buildings Colledtor's bungalow - reduction of rent - proposals - Ref: Govt. memo No.4928.G/C/47-9 dated 26-4-49.

The Superintending Engineer, Coimbatore Circle, has reported that he is awaiting the report of the Executive Engineer, West Godavari Division and that on receipt of his report a reply will be sent to this office. A report will be submitted to Government on receipt of the Supg.Engr.'s reply. The Supg.Engr. has been reminded in the matter.

for Chief Engineer, P.W.D.(Bldgs.)

TDC.8/6/49

ASSISTANT SECRETARY TO ... GOVERNMENT
21 JUN 1949
PUBLIC WORKS DEPARTMENT
5140

45

Office of the Chief Engineer, P.W.D. (General), Chepauk, Madras.

Memorandum No. [illegible]/49-1 Dated 15th June 1949.

Proc: The Superintending Engineer, Coimbatore Circle No.1280 C. dated 4th June 1949.

Sub: Buildings - Residential - South Kanara District, Mangalore - Collector's Bungalow - Rent - Fixation of -

---

The Superintending Engineer is now requested to address the Accountant General by D.O. letter and obtain the Rent Data Statement, in question regard reported to have been sent to him (Accountant-General) by the Executive Engineer, East Coast Division, with his (Executive Engineer's) No.400 C.T. dated 26-6-1946 if it is pending with the Accountant General. If not the Superintending Engineer may again address the Executive Engineer, East Coast Division and obtain a copy of the Rent Data Statement and sent it to the Accountant General for check and return.

2. On receipt of the Rent Data Statement duly checked by the Accountant General the Superintending Engineer may take necessary action and submit a detailed report to this office.

T.T. Thirumala Ayyangar,
Chief Engineer, P.W.D. Buildings.

To

The Superintending Engineer, Coimbatore Circle.

Endorsement No.3859 Wks/49-2 Dated 15th June 1949.

Copy submitted to Government for information. A further report will be sent to Government on hearing from the Superintending Engineer. The Government Exchange Reminder dated 26-5-1949 is returned herewith.

for Chief Engineer, P.W.D. Buildings.

16-6.

To

The Secretary to Government, Public Works Department, with Exchange Reminder referred to.

NS/15-6.

E.R Reuben 25.7.49

7.7.49

A.R. Lilly 7-7-49

P.1

C.F. 66.

CHIEF ENGINEER, P.W.D. 29 MAY 1948 MADRAS

P.3712 Wks 5/48

P.W.D. DEPARTMENT.

REMINDER. C. & Irrn Branch.

To THE Additional Chief Engineer, P.W.D.

~~have the honour to~~ I am directed to invite attention to your No. ~~invite~~

No. 5491 Ac/47-10, dated 6-12-48 and

~~to request that the reply to it may be expedited~~

request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is, and

(2) the date by which a reply may be expected, and

(3) ~~the circumstances which have caused the~~ delay.

DC 1/31/5 Lett.

Office

Station Asst. Secy. to Govt. Madras

Dated 26.5.48.

Signature.

for Asst. Secy. to Govt.

Designation.

SUBJECT.

Buildings - South Kanara Dt - Residential buildings - Collector's bungalow - Reduction of rent proposal.

[P.T.O.

Ref.15267-49-B5.

S.Kanara Collector's Office,
Mangalore dated 14.7.49.

47

From

SYED AHMED SAHIB BAHADUR, B.Sc(Hons)
Collector of South Kanara.

To

The Secretary to Government,
Public Works Department,
M A D R A S.

Sir,

BUILDINGS: South Kanara District--Residential buildings--Collector's bungalow--rent--reduction--proposals.

Ref: 1.This office Ref.5325/47/B5 dated 9.9.47, 18.11.47, 3.1.48 and 4.3.48 respectively.

2.Government Memo No.4928-G/47-2 P.W.D. dated 2.12.47, -4 dated 8.1.48 and -3 dated 11.3.49 respectively.

3.This office Ref.22907/48-B5 dated 12.11.48.

4.Government Memo No.4928-G/47-8 PWD dated 25.11.48.

I invite attention to the correspondence cited above and ~~request~~ request that orders passed by the Government, if any, may be communicated to me at an early date.

Yours faithfully,

For Collector

1JC/14.7.49.

48

P.W.D

Memo No: 4928 Gf/C/47-10 Dated 3-8-49

Bldgs - South Kanara Dt.. Collector's Bungalows.

Rent - Reduction - Proposal.

Ref:- From the Collr. of S. Kanara No. 15267-49-B5 dt 14-7-49 p47 cmte.

The Collr. of South Kanara is informed.

that the matter is pending with the Addl. C.E. P.W.D (Bldgs), Madras.

2-8-49

3.8.49

To
The Collr. of South Kanara

Copy to Addl. C.E. P.W.D (Bldgs) w.r.t his No. 3859 Wks/49-2 dt 15-6-49

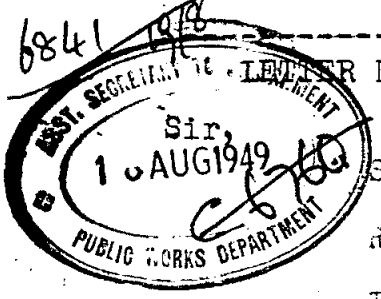
p45.

PUBLIC WORKS DEPARTMENT.

From Sri M.S. Thirumale Ayyangar, B.E., M.I.E., I.S.E.,
Chief Engineer, P.W.D.(Buildings)
Chepauk, Madras.

To
The Secretary to Government,
Public Works Department,
Fort St. George,
Madras.

6841 1949



LETTER No: 2879 Wks/49-2 dated 13th August 1949.

Sir,

Sub: Buildings - South Kanara District - Collector's Bungalow - Rent reduction - proposals -
Ref: Govt. Memo.No.4928 G/C/47-10 dated 3-8-1949.

The detailed report called for from the Superintending Engineer Coimbatore Circle is awaited. On its receipt, a reply will be sent to Government. The Superintending Engineer is being reminded, in the matter.

rs/13-8.

for Chief Engineer, P.W.D. Buildings.

P.W.D (C)
A.R. till 15-9-49

Office of the Chief Engineer, P.W.D.
(General), Chepauk, Madras.

Endorsement No. 2879 Wks/49-4 Dated 26th August 1949.

Read: From the Superintending Engineer, Coimbatore Circle Lr.No.1952 W. dated 20-8-1949.

Sub: Buildings - South Kanara District - Collector's Bungalow - Reduction of rent - Proposals -

Ref: Your Endorsement No.2879 Wks/49-2 Dated 13-8-1949.

The Executive Engineer, West Coast Division has addressed the Accountant General, Madras demi-officially on 1-8-1949 enclosing a copy of the rent data statement originally sent in 1946. A copy of the Executive Engineer's D.O. to the Accountant General is enclosed for information. The rent data statement is since awaited from the Accountant General who is being reminded specially to return it duly checked. A further report will be submitted as soon as the data statement is received from the Accountant General and is sanctioned.

Submitted to Government in continuation of this office Endorsement No.3859 Wks/49-2 Dated 15-6-1949 and letter No.2879 Wks/49-2 Dated 13-8-1949.

2. A further report will be submitted to Government on hearing from the Superintending Engineer.

P.W.D(G) A.R.dk 1-10-49

for Chief Engineer, P.W.D. Buildings.

To

The Secretary to Government, Public Works Department.

NS/29-8.

P.T.O.

Copy of D.O. dated 29th July 1949 from Mr. Mathai Jacob, Executive Engineer, West Coast Division, to Sri N.Narayanaswami, Deputy Accountant Engineer (Works), Fort St.George, Madras.

Sub: Buildings - Residential - South Kanara District - Collector's Bungalow, Mangalore - Rent fixation of -data statement -

---

The revised data statement for the Collector's Bungalow Mangalore was sent to you in this office No.250 AG, dated 25-6-1946 and the same has not yet been received back sanctioned. As the matter is pending for a long time, I request that early action may please be taken to dispose of the reference, and the statement sent to the Superintending Engineer, Coimbatore Circle direct under intimation to this office. A copy of Superintending Engineer's letter No. 686 WC. dated 22-6-1949 is herewith enclosed for your information. A copy of the data statement in triplicate sent in my No.250 AG. dated 25-6-1946 is herewith for favour of necessary action as instructed by Superintending Engineer.

Copy submitted to the Superintending Engineer, Coimbatore Circle, with reference to his No.686 WC. dated 22-6-1949 for favour of information. Necessary report will be submitted on receipt of sanction to the data statement.

(True Copy)

K. Chandran
30/8

Superintendent.

1/29/8

43/5-11-49

57 C.F

53

P.W.D

Memo no. 4928 G/C/47-11 Dated 4-11-49

Blags - South Kanara Dt.- Collector's Bungalow - Reduction of rent Proposals

Ref:- From the A.C.E P.W.D (Blags) Endt. No. 2879 Dis/G/C/47 dated

---

The A.C.E P.W.D (Blags) is requested to expedite his further report.

P.S.

4.11.49

To The A.C.E P.W.D (Blags)

3-11-49

Hd Draftsman

Adm 7/11

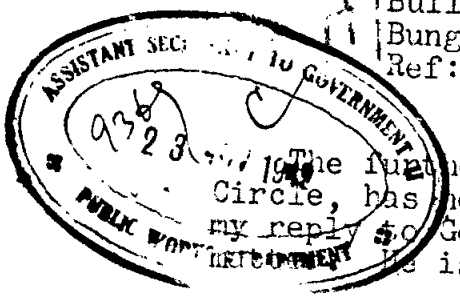
PUBLIC WORKS DEPARTMENT.

From	To
Sri T.S. Venkatarama Ayyar, B.E., I.S.E., Chief Engineer, P.W.D., (Buildings), Chepauk, Madras.	The Secretary to Government, Public Works Department.

LETTER No. 3285.Wks/49-2 dated 14th November 1949.

Sir,

Buildings - South Kanara District - Collector's Bungalow - Reduction of rent - Proposals.
Ref: Govt. Memo No.4928.G/C/47-11 dated 4-11-49.



The further report promised by the Supg.Engr. Coimbatore Circle, has not yet been received. On its receipt I shall send my reply to Government. The Supg.Engr. has been reminded in the matter is again being reminded.

R. Lakshmanan 18/11/49
for Chief Engineer, P.W.D.(Bldgs.)

18/11

P.W.D(E)

E.R sent on 15.12.49 and 16.1.50

A.R. till 15-12-49

24.11.49

24.11.49

Ref.2394-50-B5.

S.Kanara Collector's Office,
Mangalore dated 7.2.1950.

From

JANAB SYED AHMED, B.Sc(Hons.)
Collector of South Kanara.

To

The Secretary to Government,
Public Works Department,
M A D R A S.

Sir,

BUILDINGS: South Kanara District--residential--buildings--Collector's bungalow--rent--reduction--proposals.

...

Ref: 1.This office Ref.5325-47-B5 dated 9.9.47, 18.11.47 3.1.48 and 4.3.48 respectively.
2.Government Memo No.4926-G/47-2 P.W.D. dated 2.12.47 -4 dated 8.1.48 and -3 dated 11.3.48 respectively.
3.This office Ref.22907/48-B5 dated 12.11.48.
4.Government Memo No.4926-G/47-8 PWD dated 25.11.48.
5.This office Ref.15267-49-B5 dated 14.7.49.
6.Government Memo No.4926-G/C/47-10 PWD dated 3.8.49.

...

I invite attention to the correspondence cited above and request that orders passed by the Government, if any, may be communicated to me at an early date.

Yours faithfully,

For Collector.

IC/8.2.50.

35/21.2

P.W.D

Memo No. 4928 S/4742 Dated 20.2.50

Subj:- (EE 'A' on p 57 ante.)

Ref:- From the A.C.E P.W.D (C&Cdgs) No. 3285 WKS/Eg-2 dt 14.11.49

The A.C.E P.W.D (C&Cdgs) is requested to expedite his further report.

2/20.2.50

17.2.50

To

The A.C.E P.W.D (C&Cdgs)

Copy to Colle. of S. Kanara w.r.t his letter No. 2394-50-D5 dt 7.2.50

Public Works Department.

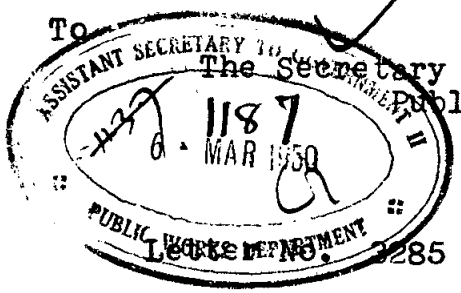
59

From

Sri T.S.Venkatarama Ayyar, B.E., I.S.E.,
Chief Engineer, P.W.D.(Buildings)
Chepauk, Madras.

To

The Secretary to Government,
Public Works Department.



Letter No. 3285 Wks/49-5, dated 1st March 1950.

Sir,

Sub:Buildings - South Kanara Dist. - Residential buildings - Collector's bungalow - Rent - Reduction - Proposals -

Ref: Govt. Memo.No.4928 G/47-12, dated 20-2-50.

The Superintending Engineer, Coimbatore Circle, has reported that the Rent Data Statement sent to the Accountant-General, Madras for check and return is still awaited from him and that a further report will be submitted as soon as the Rent Data Statement is received from the Accountant-General duly checked. A further report will be sent to Government on hearing from the Superintending Engineer. The Superintending Engineer has been reminded in the matter recently.

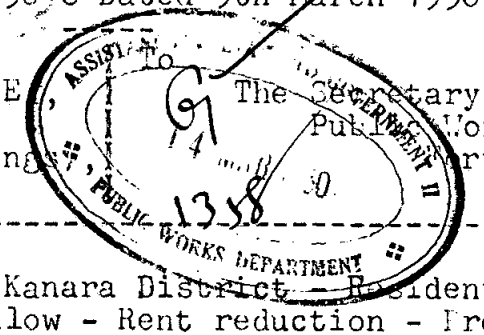
for Chief Engineer, P.W.D.
(Buildings).

S.S.2/3.

PUBLIC WORKS DEPARTMENT.
Letter No.3285 Wks/50-6 Dated 9th March 1950.

From
Sri T.S. Venkatarama Ayyar, B.E., M.I.S.E.,
Chief Engineer, P.W.D. (Buildings),
Chepauk, M a d r a s.

To
The Secretary to Government,
Public Works Department,
Fort St.George,
M a d r a s.



Sir,

Sub: Buildings - South Kanara District - Residential Buildings Collector's bungalow - Rent reduction - Proposals -
Ref: This office letter No.3285 Wks/49-5 Dated 1st March 1950.

The Superintending Engineer Coimbatore Circle has since reported that the Rent Data Statement has been received from the Accountant-General, Madras, duly checked and that it was approved and communicated to the Executive Engineer South Kanara Division. It is also reported that the revised rent of Rs.199/- p.m. has effect from 1-1-1945 and that the Executive Engineer is being asked to report whether refund, if any, due, consequent on the reduction in the standard rent for the bungalow with effect from 1-1-1945, has been made to the occupants. The Superintending Engineer has promised a further report, in this regard as soon as the reply of the Executive Engineer South Kanara Division is received. A further report will be submitted to Government on hearing from the Superintending Engineer.

10/3/50

NS/10-3.

for Chief Engineer, P.W.D. Buildings.

52-

P.W.D(G)

pp 59+61 ante

Subd for perusal. The further report referred to at 'X' on p61 ante may be awaited till 15-4-50.

E.R. Dent on 17/4

B
16.3.50

17.3.50

B

Ref. 2394/50.B5.

South Kanara Collector's Office,
Mangalore, dated 23-3-1950.

From

Janab Syed Ahmed, B.Sc.,(Hons.),
Collector of South Kanara.

To

The Secretary to Government,
Public Works Department, Madras.

1641/23.3.50

Sir,

A | BUILDINGS - South Kanara, Residential buildings - Collector's bungalow - rent - reduction - proposals.

Ref:- Correspondence resting with the Government Memo No. 4928-G/47-12 P.W.D. dated 20- 2- 1950.

I request that the orders of the Government n the matter may be communicated to me at an early date.

Yours faithfully

For Collector. 23.3.50

K/24/3 VR-24-3-50.

P.W.D

Memo no. 4928 Gj/47-13 Dated 28-3-50

Subj:- (H.E. 'A' on p 63 ante)

Ref:- From the Collr. of South Kanara Ref. 2394/50 & 5 & 23-3-50

The Collector of South-Kanara is informed that the Addl. C.E.'s final report on the subject is still awaited.

27.3.50

The Collr. of S. Kanara

27.3.50

27.3.50

Office of the Chief Engineer, ... , (C ... al), Clark, Madras.

... No. 3s/10-7, ... 2... 1950.

To: ... , Coimbatore Circle
... No. 1[illegible]7 dated 15-4-1[illegible].

-:-

Sub: Buildings - South Arcot District - ... l ... Buildings - Collector's Bungalow - ... - Sanction proposals.

-:-

... ective ... , ... that ... of s.2-1-6 is ... to be refunded to J.L. ... Esq., O.B.E., I.C.S., who was occupying the Collector's Bungalow during the period from 13-11-1[illegible]7 to 27-1-1948, and ... addressed the Executive Engineer, West Coast Division to take ... regarding refunds, if any, to be made to the occupants for the period before the formation of the South Arcot Division. The Executive ... addressed the Collector, Salem, for ... for making the refund to Mr. J.L. Saunders, who it is understood, is on ... service under the Pakistan Government. A further report will be submitted on receipt of the report called for from the Executive Engineer, West Coast Division and after the refund to Mr. J.L. Saunders is made.

... copy submitted to Government for information in continuation of ... office letter No. 3[illegible]05 ... 3s/10-[illegible], dated 9-2-50. ... will be submitted to Government on hearing from the ... Executive Engineer.

... t.o...

exec[illegible]er.

P.W.I (Q)

The further report referred to at 'R' on p65 ante may be awaited till 1-6-50.

5.5.50

5.5.50

C.F. 98.

P.W. 2817 (6)

DEPARTMENT.

REMINDER. 19 APR 1950

Branch.

TO THE Addl. Chief Engineer P.W.D (Bldgs)

~~have the honour to invite~~
I am directed to invite attention to your letter
~~invite~~

No. 3285/66/50 dated 9-3-50 and P.W. 66

to request that the reply ~~to it~~ may be expedited (Urgent)

request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is,

(2) the date by which a reply may be expected, and

(3) the circumstances which have caused the delay

Office P.W. Secty.

Signature.

Station Fort St. George for Asst. Secretary

Dated 17-4-50

Designation.

SUBJECT.

Bldgs - S. Kanara Dt. - Collector's Bungalow - Rent reduction Proposals.

[P.

Office of the Chief Engineer, P.W.D., (Buildings), Madras.

No. 3285 Bldgs/50-8, Dated 15th May, 1950.

***

RAD: Letter No. 937 /47-E, dated 21-4-1950, From The Superintending Engineer, Coimbatore Circle: To The Chief Engineer, P.W.D., (Buildings), MADRAS.

-:-

Sub: Buildings - South Kanara Mangalore - Collector's Bungalow - Rent - Fixation of - Further report.
Ref: This Office No. 3285 dated 15-4-1950.

:::

The Executive Engineer, West Coast Division reports that a sum of Rs.23-8-0 is due to be refunded to J. . Pett Esq., I.C.S., who was in occupation of the bungalo from 19-10-46 to 16-1-1947. He has addressed the Collector of South Kanara to intimate the present address of the officer for arranging refund of the amount. A further report will be submitted as soon as the refund is made and a report to that effect is received from the Executive Engineer.

Copy submitted to Government for information in continuation of this office Endorsement No. 3285 Bldgs/49-7, dated 25-4-1950. A further report will be submitted to Government on hearing from the Superintending Engineer.

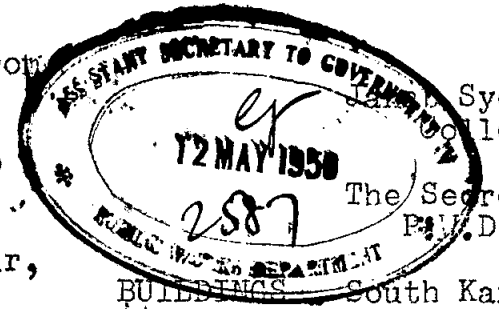
for CHIEF ENGINEER, P.W.D., (BUILDINGS).

To The Secretary to Government, Public Works Department, Fort St. George, Madras.

vd 9.5.

Ref.2394-50-B5

South Kanara Collector's Office,
Mangalore, dated 9-5-50



From

Janab Syed Ahmed, B.Sc.,(Hons.),
Collector of South Kanara.

To

The Secretary to Government,
P.W.D., Madras.

Sir,

BUILDINGS - South Kanara - Residential buildings - Collector's Bungalow - Rent Reduction proposals

---

Ref: Correspondence resting with the Govt. Memo No.4928G/47-13 (P.W.Dept.) dated 28-3-50

I request that the orders of the Government in the matter may be communicated to me at an early date.

Yours faithfully,

For Collector.

ks/9-5

P.W.D

49
16.5

Memo No. 4928 G/47-14 Dated 16-5-50

Bldgs.. South Kanara - Mangalore - Collector's Bungalow - Fixation of rent.

pp 1-3 C.F. Ref:- From the Collr. of S. Kanara C No. 5225/47 B5 dy 9-8-47

pp 25-32 C.F. From the CE. P.W.D (Gl) letter No. 5491 Ac/47-6 dy 31-7-48

p 61 C.F. From the CE. P.W.D letter No. 3285 Whs/50-6 dy 9-3-50

pp 65-66 C.F. From the CE. P.W.D (Gl) Endt. No. 3285 Whs/49-7 dy 25-4-50

p 69 C.F. and Endt. No. 3285 Whs/50-8 dy 1-5-50.

Copies of the Chief Engineer's representation cited are forwarded to the Collector of South Kanara for remarks

15.5.50.

15.5.50

To

The Collr. of S. Kanara
Mangalore
(with copies of pp 25-32, 61, 65-66 and 69 C.F.)

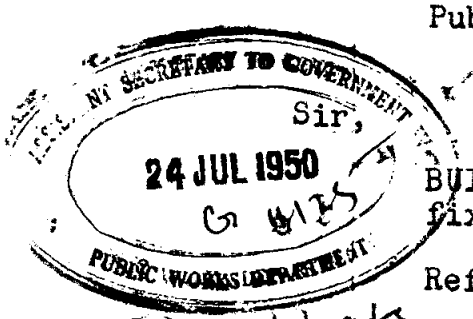
R.Dis.2394/50. COLLECTOR'S OFFICE, SOUTH KANARA,
Mangalore, Dated 18th July, 1950.

From

Janab Syed Ahmed, B.Sc.(Hons.)
Collector of South Kanara, Mangalore.

To

The Secretary to Government
Public Works Department, M a d r a s.



Sir,

BUILDINGS - South Kanara - Mangalore Collector's Bungalow fixation of rent - report - submitted.

Ref:- Govt. Memo No.4928-G/47-14 P.W.D. dated 16-5-1950.

With reference to the Government memo cited above, while inviting the attention of the Government to this office Ref. 5325-47-B5 dated 9-9-47, I have to point out that the facts reported therein were worked out by Mr. J.F.Saunders, the then Collector of the District on the basis of the valuation of the land acquisition officer which was upheld by the Sub Judge and also by the High Court later. By adopting those figures, the monthly rental of the building was fixed at Rs.148-8-0. Whereas the Chief Engineer has valued the building by working out on the basis of a cube rate of 0-3-5 per c.ft. and arrives at a value of Rs.35937/-.

2. In my opinion, in all cases of valuation, the fundamental thing to be borne in mind is to arrive at the correct value that the land or building would fetch if sold in the open market. When the value of a property has been decided in a land acquisition case, that value alone has to be taken as final and it would not be reasonable to adopt other methods of valuation for determining the value. It is therefore submitted that the valuation of the building made by the Chief Engineer on the basis of the dimension of the building does not hold good in this case as more reasonable basis for valuing the same are available in the L.A. Records. The value of the building fixed at Rs.20351/- is more correct than the one furnished by the Chief Engineer.

3. I have no further remarks to offer. However, the revision does not involve in any financial commitments, with reference to the Officers now working in this District unless the Officers who occupy the bungalow draw a salary exceeding Rs.1500/- per month.

Yours faithfully,

21.7.50
For Collector.

Kmr/21-7.

21/7/50

76

20/2.8

28

Ent — 4928 8/47-15 8 1-8-50

Reference to the CE RO ... for remarks with regard to his ... RECEIVED ... No. 5491 AC/(4) 6.9.21.7.45 — ...

1.8.50

1.8.50

Mr ...
2 to CE RO ...
(not app ...
3 for 75 ...

ER Newton
12.9.50
+ 6.10.50

71

PUBLIC WORKS DEPARTMENT

From

Sri.O.R.Narayanaswami Iyer,
B.E., I.S.E.,
Superintending Engineer,
Coimbatore Circle,
Coimbatore.

To

The Chief Engineer,
P.W.D.(Buildings)
Chepauk,
Madras.5.

No. 1575 W/47.E. Dated 22-7-1950.

Sir,

Sub: Buildings - South Kanara - Mangalore - Collector's bungalow - Rent - Refixation of - Further report - regarding.

Ref: Your Memo No.3285.Wks/49-9 Dated 2-6-50.

Refund is due to the under mentioned officers for the occupation of the bungalow during the period noted against them.

Name of officer.	Period.	Amount	Remarks.
(i) J.R.Bett Esq.,I.C.S.	19-10-46 to 16-1-47	s.23-8-0	Vide this office No.907.W. Dated 21-4-50.
(ii) J.F.Saunders Esq., O.B.E., I.C.S	19-11-47 to 27-1-48	Rs. 2-4-0	vide this office No.884. dated 15-4-50.

Item.1. is now in Australia and item.2. in Pakistan.

p.t.o.

78

74(a)

ASSISTANT SECRETARY TO GOVT. 4304 3-AUG 1950 PUBLIC WORKS DEPARTMENT

As the amounts involved are small the proposal to refund them to the parties may be dropped.

Sd.C.R.Narayanaswami Iyer,21/7
Superintending Engineer,
Coimbatore Circle.

CVII 22/7

/True copy/Forwarded/By order/

Manager.

Office of the Chief Engineer,P.W.D.,
(General), Chepauk, Madras.

Endorsement No. 3285 Wks/49-10 dated 29-7-1950.

Submitted to Government in continuation of this office letter No. 3285 Wks/49-6 dated 9-3-50, Endorsement No. 3285 Wks/49-7 dated 25-4-50 and Endorsement No.3285 Wks/49-8 dated 1-5-50 for favour of orders.

2. I agree with the suggestion of the Superintending Engineer.

for Chief Engineer,P.W.D.,(Buildings)

To the Secretary to Government,
Public Works Department, Fort St. George, Madras.

pvg/29-7.

Please see the S.E's letter and CE's Endt on it on pp 77-78 ante. The C.E's reply to the Endt. on p 76 ante may be awaited till 1-9-50.

7.8.50

8.8.50

C. P.W.D 781

1927 REMINDER

To The Chief Engineer,
P.W.D (Bldgs).

I am directed to invite
attention to Endt. No. 4298 B/47-15
dt. 1-8-50 and to request
that the reply to it may be
expedited.

For Dist. Secretary
12.9.50

Office P.W. Secty.,
Station Fort St. George
Dated 12.9.50

Subject

Bldgs - Govt. - Mangalore -
Collector's Bungalow -
Fixation of rent.

82
3285 WIC/48-13-9 Office of the Chief Engineer Roads (Architects)

28/9/50

JOSEPH 45655

ASST. P.

C FOLIO

The Secretary to Government,
Public Works Department.

Sir,

The matter has been referred to the Superintending Engineer Chem taken Circle for early remarks. His reply is awaited. On its receipt, a reply will be sent to Government. The Superintending Engineer is being reminded, in the matter.

R. [illegible]
28/9
for Chief Engineer Roads (Architects)

P.W.D (H)
A.R. Lett 30.6.50
7.X.50
9.X.50
28/9/50

P.W.

7611/45

Addl. Chief Engineer P.W.D (Bldgs)
Madras

Govt. Endt.

4928 B/47-15 P.W. 1-8-50.

P.W. Secrt
Port St. George
6.10.50

for Asst. Secretary to Govt.

Buildings - Govt. - South Kanara Dt. - Collector's office, Mangalore - Fixation of

P.T.O.

WES 50.14 - Copies to Chief Engineer
14/10/50 PWD (Roads)
FILE

3

O.B. - Secretary to Government,
Public Works Department.

Sir,

Please refer to the office
memo: 3285 WSM dtd. 12 & 28.9.50 in
reply to Government endorsement
dtd. 12.9.50. The remarks called for from
the Superintending Engineer Coimbatore
circle are awaited. On their
receipt, a reply will be sent to
Government. The Superintending
Engineer has been reminded vide
our letter.

For Chief Engineer PWD (Roads)

P.L.D(R)
A.R.dtd 20.11.50
30.X.50

PUBLIC WORKS DEPARTMENT.

From

Sri T.S.Venkatarama Ayyar, B.E.,I.S.E.,
Chief Engineer,P.W.D.(Buildings and Grow More Food)
Chepauk, Madras.5.

To

The Secretary to Government,
Public Works Department,
Fort St. George, Madras.9.

Letter No.3285 Wks/49-15 dated 17-11-1950.

Sir,

Subject: BUILDINGS - South Kanara - Mangalore Collector's Bungalow - Fixation of rent -

---

The Collector's view in para 2 of his letter dated 18-7-50, communicated with the Government Endorsement cited above that the valuation of the building should be based on what it would fetch if sold in the open market is not correct. Government buildings have to be treated as a class apart as Government do not normally sell any of their buildings in the open market and such buildings, even if sold would not fetch reasonable value. Even for assessing the municipal property tax, Government buildings are not treated as other private buildings, but a special procedure is laid down for assessing the value once in 5 years and applying a certain percentage therein to arrive at the rental value. Again the Collector' presumes that the value of this building has been decided in the land acquisition case. This presumption is also not correct. If fact the land acquisition proceedings give only a value for the building and the land put together. All the subsequent correspondence has been with a view to assess the value of the building alone for calculating the rent payable. The ~~xxx~~ then Collector, South Kanara, has categorically admitted in para 5 of his letter dated 9-9-47, that no-where in either of the two judgement also, is there a specific finding on this point of allocation of cost of acquisition between the building and the adjoining land.

The relevant sentence in the judgment read as follows:-

"Even if we value the building at Rs.20,000 separately, the whole of 23 acres and odd would be worth on an average nearly Rs.2,157/- per acre"

From this one cannot by any means infer that the value of the building is fixed as Rs.20,000/-

According to Fundamental Rule 45-A.II, we have to assess "the present value of the residence" , in the absence of the cost of acquring or constructing any residential building; for purpose of the assessment of rent for the same. A local Government may make rules providing the manner in which the present value of a residence shall be determined (vide proviso(i) under the aforesaid F.R.45-A-II). The procedure indicated in para 3 of this office No.5491 Ac/47-6 dated 31-7-48 is the one usually adopted in such cases and according to it the value of the building comes to Rs.35,937 which is the lowest possible valuation. The figure worked out by the Superintending Engineer, Coimbatore Circle vide his No.407 dated 26-2-48 is Rs.39,832 and appears reasonable enough as already reported.

The rent data statement fixing the revised rent as Rs.199/- per month from 1-1-1945 based on the above valuation of Rs.39,832/- worked out by the Superintending Engineer has been received back from the Accountant General duly checked and approved also by the Superintending Engineer, please vide this office No.3265 Wks/49-6 dated 9-3-50. The present Collector has stated in para 3 of his letter dated 18/7/50 that further revision of rent does not entail any financial commitments unless the

P.T.O.

officers who occupy this bungalow draw a salary exceeding Rs.1500 per month. I leave it to Government to decide if it is worthwhile preparing a fresh rent data statement based on the lowest valuation of Rs.35,937/- referred to in the previous para.

R. Lakshmanan 20/12/50

Vts.17-11. For Chief Engineer, P.W.D. (Buildings and Grow More Food)

Copy to: The Superintending Engineer, Coimbatore Circle.

-- --

My dear Lakshmana Iyer

Herewith C.E.'s letter
* No. 3285 W/Ks/48-15 of 17.11.50
which has not been authenticated. Will you please return
it after authentication?

Yours sincerely
16.12.50
Asst. Secy. to Govt. of India

736/A
21.12.50.

To Sri R. Lakshmana Iyer.
Dy. C.E. (Ir & Mf)

Letter noted after Completion.

R. Lakshmana Iyer
20/12/50
Deputy Chief Engineer
P.W.D.

Statement giving data for calculating rent of Government

Item No. (1)	Name of building. (2)	Official designation and salary of occupant. (3)	Permanent or temporary. (4)	Date of construction or purchase. (5)	Capital cost. Cost of construction or purchase. (6)	Capital cost. Cost of site. (7)	Capital cost. Total. (8)	Interest on capital cost at the prescribed percentage (9)
					Rs.	Rs.	Rs.	Rs.
	Collectors Bungalow South Kanara N Mangalore.	Collectors Pay 1275-3000/- Bungalow Required in 18.3.36 Vide SDT 2/3-36 as per G.O 464 W dated 18.3.36			17073	22424	39797	1024.
		Cost of electrification			1550	~~1550~~	1550	93.
		Bdt 48560 CR 2/35-36 SDT 12 of 3/46			18623	22424	41347	1117 at 6%
		CR 2/35-36	-	1936-37	2099	-	2099	84 at 4%
		Total			20722	22424	43446	1201
		CR 2/35-36		1937-38	5560		5560	222
					26282	22424	49006	1423
	Additional Cost of construction CR 2/35-36			1938-39	20095	28160	48255	804
					46377	50884	97261	2227
		Providing electrical fittings & Fans etc vide Rs 600/- Rs 102/3839 SDT 18 of 10/38 & 128 39 of 2/39 - 474/602			~~498~~ 602		602	24
		Expenditure noted in Capital & Revenue Heads		38-39	46976	50884	97863	51.
		No expenditure in		39-40 & 40-41	35		35	1
					47014	50884	97898	2252
		2. Boarding DR 26 36 7/35-40		SDT 40-41 22/8/40	110		110	4
					47124	50884	97908	2256
		CR 2/36-37		41-42	No expenditure.			

86

Buildings in the **Division.**

Cost of maintenance and repairs.			Normal rate of rent on basis of foregoing calculation.		Rent hitherto charged.	Remarks.
Ordinary repairs.	Special repairs at per cent.	Total.	Annual, columns 9 + 12.	Monthly, $\frac{1}{12}$ of column 13.		
(10)	(11)	(12)	(13)	(14)	(15)	(16)
Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
						The Bulgwas acquired on 18-3-36 Under Gr No 464 W dated 18-2-36 Provincial Data Statement approved under SEC No 38 WC/19-3, Rent Rs 20/- P.M. A Data Statement Provincially Approved under SEC No 1031 WC/20-7, Rs 23/- P.M. do — 1022 WC/20 Rent Rs 245 P.M. do No 432 W/ Rent Rs 246 P.M. Municipal Tax for half year ending Dec Taxes Rs 23-6-11 The

ountant

nd trans-

/.D.

Circle

193

or, P.W.

Branc

Ma

Statement giving data for calculating rent of Government

Item No.	Name of building.	Official designation and salary of occupant.	Permanent or temporary.	Date of construction or purchase.	Capital cost.			Interest on capital cost at the prescribed percentage
					Cost of construction or purchase.	Cost of site.	Total.	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
					B/F Rs.	Rs.	Rs.	Rs.
					47124	50884	97908	2256
		Providing Electrical Points B/L-Pg 100 DR						
		310/40-41		4142	96		96	5
					47220	50884	98104	2261
		SDT 1467 10/41			no expenditure			
		C+R Acct. 41-42						
3.	~~Bent~~ Collector's Bungalow South	CR No 2/35-36	P.	4243	-129		129	6
					47091	50884	97975	2251
	Karur DT. Manager's	CR 2/35-36		4645	-7120		-7120	356
					39971	50884	90855	1899
		Providing 2 windows est Rs 120 DR 207-4645						
		SDT 347 4/45 do		4546	110		110	6
					49981	50884	90965	1905
		CR 235/32-SDT 28/28 7/45		do.	-249		249	12
					39832	50884	90716	1893
		~~SDT~~ CR 2/35-36 SDI 10/10/46			-39832		39832	-
					39832	13998	53830	1893
		Note Details of Central Court Site			Maintenance charges			
		13.76 acres 13998 Cost of the Buildgs 37584			2% on 37584			
		Cost of electrification = 2248			do - electric installation			
		Total Rs 53830			Rs 2248 at 3½%			
					Part II			
					39832	13998	53830	at 6%

Buildings in the Division.

Cost of maintenance and repairs.			Normal rate of rent on basis of foregoing calculation.		Rent hitherto charged.	Remarks.
Ordinary repairs.	Special repairs at per cent.	Total.	Annual, columns 9 + 12.	Monthly, $\frac{1}{12}$ of column 13.		
(10)	(11)	(12)	(13)	(14)	(15)	(16)
RS.	RS.	RS.	RS.	RS.	RS.	

2-Half Year 2374-11-x2 = 474-13-10 or 475

Detail of Service Tax for 1 half year—

Scavenging Tax Rs 14-13-5

Education Tax — 14-13-5

Lighting Tax 29-10-10.

Water Tax 29-10-10.

89-0-6.

Total —

1 Year 89-0-6 x 2 = 178-1-0.

Service Tax for 1 month 178-1-0

Rs 14-13-0

Say 14-14-0.

752 79 831	475	1304	3199	266-10 267	246	
		2390	2390	199-16 or 199-	246	

The Amount of Rs 199 PM arrived in Part II is lower than the Amount arrived in PT I hence the amount of Rs 199 PM may be taken as rent for the Bungalow with effect from 1-1-45 i.e. date of completion of work at 10 % of Accounts Pay is being Recovered from the date of occupation of the Bungalow 1, 2 from 18-2-46 onwards—

SD S. Ramalingachar
Executive Engineer
W.C. Division Calicut

Certified that all the relevant figures have been included & correctness verified.

SD O. V. Mathew
Co. Dl. Acct. W.C. Divn.

(True Copy)

2389

of page 14 of their judgement 23.59 x 2157.
50884
38914

Cost of Building and Electrical installations

23.59 acres of land cost of land	50884			
Deduct credit resized due to the disposal of surplus land 9.83 acres land SDT 14 of 10/45 ~~13.76~~	- 36886	36886		SDT-14/10-45
net cost of land. /. 13.76 acres	13998	13998		
		52912	52912	

Rs. 52912 is further distributed follows cost of site

cost eeof site.	Building	Electrification	Total.	
13998	37364	1550	52912	SDT 14 of 10/45 SDT 18 of 10/38 128 SDT 13 of 2/39 474 602

rther impts. carried out to the bungalow detailed below. SDT 18 of 10/38 128
8-39 Providing Electrical
and fans DR 163 of 38-39

Rs 660 SDT 367/39-40 SDT 39 of 2.39 128 474 602 — Figures taken from C&R a/c of 38-39

iding chimney DR. 367/39-40 110 — 110 SDT 22 of 8/40

40 - Providing additional electrical - DR. 510/40-41 - Est. Rs 100 96 — 96 SDT. 14/10-41

46 providing 2 windows in the room of collector Bungalow 110 — 110 SDT. 34/44-45

Rs 120 R 207/44-45

Total 220 698 918.

Total 13998 37584 2248 53830

Csd. S.R. Chelly, 26-6-46
Executive Engineer
West Coast Dn.

True copy forwarded/B/O.

Sd. O.V. Mallieu
Manager

Statement of allocation of expenditure (~~Est.~~ 52912) in estimate sanctioned in C R 2 of 35-36.

Acquisition of a Bungalow with compound as a... the Collector of South Kanara , Mangalore Es. Rs. 48...
G.O. No. 464 W dated 18-2-36.
Expenditure Rs. 52912 S D T 14 of 10/45.

Year	Acquisition of Bungalow with compound .	Providing Electrical connection.	Repairs Improvements debitable to Capital cost.	Total
1935.36 SDT 2 of 3/36	41127	220 ~~230~~ - -		41347
1936-37	72 -10 -0		2026.2.-	2098 12
Total	41199 10 -	220	2026- 2-	43445 12-
1937-38	87 13-6	-	5472 7 3	5560 4 9
Total	41287 7 6	220	7498 9 3	49006 0 9
1938-39	48254 13 10			48254
Total.	89542 5 4	220	7498 9 3	97260
1939-40. No expenditure				
Total.	89542 5 4	220	7423 9 3	972
~~Total~~	34 10			
1940-41 Total	89576 15 4	220	7498 9 3	
1942-43	(-)128 12 0			
Total.	89448 3 4	220	7498 9 3	
1942-43 No expenditure				
Total	8944 3 4	220	7498 9 3	
1944-45	- 7119 11-6=			
Total.	82228 7 10	220	7498 9 8	
1945-46 S D T 28/7/45	-249 3 5		7498.9.	
	82079 4 5	220	~~7498 9~~	
1945-46 SDT 14/10-46	-3688			
Credit ~~rela~~ realized due to disposal of surplus land 9,63 acres				
Total	45193 4 5	220	7	
	45193	220		

Completion report for the above work has been already correspondence ending with S.E's (Coimbatore) Rc. M 675 M 25

Detailed distribution of expenditure of Rs. 52912 SDT the building and site etc?

Total cost of land Acquisition including Electrical were 82299

Total cost of repairs will garage etc?, Dabitable to capital cost of the Bungalow 8979 7499

89798

Extent of land 23.59 acres
Cost per acre Rs. 2157. as decided by the Subordinate judge in his judgement in land Acquisit... on file of sub court Mangalore, Vide para 67 of ... court in appeal No. 280 of 1938

89 P.W.D.(G)

G.O. Ms. 1209 dated: 26.3.51

Sub: Buildings - South Kanara Dt - Mangalore - Residential buildings - Collector's bungalow - Fixation of rent - Orders passed.

Ref: From the Collector of S.Kanara R.Dis. 2394/50 d/ 18-7-1950
From the C.E., P.W.D.(Bldgs & G.M.F) No. 3285/Wks/55-15 dated 20-12-50.

The Government accept the rent data statement submitted by the C.E. fixing the rent of the Collector's bungalow at Mangalore, S.Kanara at Rs.199 p.m. with effect from 1-1-45.

2. The Government also accept the recommendation of the C.E. and direct that the question of refunding the amount to the following officers for their occupation of the bungalow during the period noted against them be dropped:-

Name of Officer	Period	Amount
i) J.R.Bett	10-10-1946 to 16-1-47	Rs.23 2 0
ii) J.F.Saunders	19-11-1947 to 27-1-49	Rs. 2 4 0

To
The Collector of S.Kanara (with encls. returned)
The C.E., P.W.D. Buildings & G.M.F)
The A.G. thro. Fin.
The Rev Dept

Buildings - S. Kanara District - Residential building- Collector's bungalow - Rent - Reduction proposals.

From the Collector of S. Kanara Ref. No.5327/47-B-5 d/ 9-7-47.
Government Endt. No.3729-Q/47-1 d/ 24-9-47.
From the C.E. P.W.D. letter 5491/AC/47-6 d/ 31-7-48.
Letter No. 3285-Wks/50-6 d/ 9-3-50.
" letter 3285-Wks/49-7 d/ 25-4-50.
" letter 3285-Wks/50-8 d/1-5-50.
From the Collector of S. Kanara R. Dis. 2394/50 d/ 18-7-50
From the C.E. No.3285-Wks/48-15 d/ 17-11-50.

The file deals with the proposals for the reduction of rent of the S. Kanara Collector's bungalow at Mangalore. Mr. J.F. Saunders, one of the previous Collectors considered that the rent of Rs.210 P.M. (subject to the limit of 10% of salary) charged from him was too much for a dilapidated building. The reasons adduced by the Collectors for reduction of rent are detailed below:

(i) The bungalow and its compound were first valued by the Land Acquisition Officer at Rs 36026 but this was raised to Rs.70900 by the judge, Mangalore and was finally reduced to Rs.65,500 by the High Court. Incidental charges by way of costs, solatium were added upto this and the total cost of acquisition amounted to Rs.82079 as indicated below:

(i) Cost of land and buildings	...	Rs.65,500
(ii) 15% solatium	...	9,825
(iii) Interest paid	...	4,828
(iv) Court costs in lower and appellate Courts	...	3,926
		8,3779
(v) Less deduction on account of compensation unclaimed court cost recovered etc.		1,700
		8,2079

From the working furnished by the P.W.D. showing how the rent has been calculated, it will be seen that the value of the building has been estimated by subtracting the decreed value of the land from the total cost of the acquisition

proceedings. In view of the incidental charges relating to the whole cost of acquisition viz. Court costs, solatium etc. are thrust on the value of the house alone without the land bearing its share of the charges.

The basic value of the buildings has been determined by a wrong interpretation of judgments. The P.W.D. have taken advantage of para.67 of the judgment that the value of 23 and odd acres of land works out to Rs.2157 and by substracting the value of the land at this rate from the total value of Rs.82079 for the whole property and by thrusting the incidental charges on the building alone the value of the buildings has been estimated at Rs.31,195.

(2) on the basis of the valuation of the Land Acquisition Officer which was upheld by the subjudge and the High Court, the monthly rental of the building has to be fixed at Rs. 148/8/ as shown below. The rent of Rs.1294 collected in excess upto the time Mr. Saunders was collected is to be credited towards the capital cost of the building and the present rate reduced proportionately.

Cost of the buildings	...	Rs.20351
Subsequent improvements.	...	7496
Electrification	...	220
Total cost	...	Rs.28069
Deduction excess rent collected	...	1294
Net capital cost	...	26,775
6% of the capital cost	...	1,606 0 0
Add taxes	...	178 0 0
Monthly rental	...	1784 0 0 / 12
		i.e. 148-8-0

(3) The Collector is of the view that the value of the building fixed by the C.E. on the basis of the dimensions discussions is not proper as the most reasonable basis for the same is available

in the L.A. records The value of Rs.20,351 fixed ~~monthly~~ on this basis is more correct than the one fixed by the C.E.

2. The C.E. is of opinion that the rent of Rs.199 fixed for the Collector's bungalow based on the capital cost of Rs.39832 arrived at by the S.E. is reasonable and that there is no justification for a a further reduction of rent as proposed by the Collector. He has forwarded a letter for the Engineer wherein he has ~~much~~ met on the points raised by the Collector for enhancement of rent. The C.E. considers that the rent fixed by the P.W.D. is reasonable for the following reasons:-

(1) The Collector is taking advantage of the vagueness of the decrees of the Courts of the Sub-~~Court~~ Judge and the High Court in regard to the ~~appointment~~ apportionment of the total amount of compensation between the building and the land. To avoid the difficulty, it is better to value the building at the time it was occupied by Government and to fix the rent on the value of the building thus arrived at. On the basis of ~~cost~~ cube rate of Rs. C-3-5 per c.ft, which was the rate prevalent in Mangalore ~~in Mylepore~~ for buildings executed in 1937-38, a building of the type of the Collector's Office bungalow would have cost in 1937-38 Rs.67,837. Allowing a depreciation of 1% with ref. to G.O.No.2380 L. & M. d/ 16-6-1930 the cost of the building would work out to Rs.35,937 which agrees with the S.E's figure figure of Rs.39,832

(ii) The Collector's view that the value of the building should be what it would fetch in the open market is not correct as Govt do not ~~conditionally~~ normally sell any of their buildings in the open market and even if such buildings

are sold in the open market do not fetch reasonable rents. Even for assessing the municipal property tax Government buildings are not treated as other buildings but a special procedure is laid down for assessing the value once in 5 years and applying a certain percentage therein to arrive at a rental value

(iii) The Collector's presumption that the value of the buildings has been fixed in the Land acquisition case is not correct as the Collector himself has admitted that nowhere in either of the two judgments is there a specific finding regarding the allocation of the cost of acquisition between the buildings and the adjoining land.

(iv) In the absence of the cost of acquiring or constructing any residential building, under F.R. 45-A.II a local Government can make the rules providing the manner in which the value of a residence should be determined. The procedure indicated in para.2(1) above is the one usually adopted in such cases.

3. The C.E. has reported that the rent data statement fixing the rent of the Collector's bungalow at Rs.199 per month from 1-1-45 has been duly checked by the A.G. The rent is based on the valuation of Rs.39,832 fixed by the S.E. The C.E. has asked for orders whether it is necessary to prepare a fresh rent data statement based on the lowest valuation of Rs.35937 referred to in para.2(1) above. As the revision of rent does not entail financial commitments unless the officers who occupied the buildings drew a salary of Rs.1,500 a month, it does not seem necessary to fix a revised rent data statement. The proposal of the C.E. to fix the rent of the Collector's bungalow at Rs.199 a month from 1-1-45 may be agreed to in the circumstances stated in para.

2 ~~of his letter~~ above

4. It is stated that on the basis of a rent of Rs.199 p.m. from 1-1-45 the ~~rent~~ refund is due ~~from~~ to the following officers ~~for~~ for the occupation of the bungalow during the period noted against them:-

Name of Officer.	Period.	Amount.
(i) J.H. Bett ...	10-10-46 to 16-1-47...	Rs.23 ? 0
(ii) J.F. Saunders...	19-11-47 to 27-1-49.	Rs.?-4-0

As item (1) above is in Australia and item (ii) in Pakistan and as the amount involved is negligible, the C.E. has recommended that the question of refunding the amount to the persons concerned may be dropped. The view of the C.E. may be agreed to.

5. The file may be sent to Revenue and Finance for remarks.

NC 31/51

ADDITIONAL DEPUTY SECRETARY 7 MAR 1951 17687 FINANCE DEPARTMENT

24.1.51.

29.1.51

29.1.51 ~~A.S.S~~ Rev/Fin.

NC 31/51

P.W.D No. NO. 4928 S/47-16 31-1-51.

Rev/Fin

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ASSISTANT SECRETARY TO GOVERNMENT 2 FEB 1951 REVENUE DEPARTMENT

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ASSISTANT SECRETARY TO GOVERNMENT 12 MAR 1951 1418 PUBLIC W.

Fin (Exp C)

Rev no 8508 S/51-1 5-3-51

This deptt may agree to the proposals of P.W. at x and y on pt 4-5 above.

No 17689 Exp C 2-3-51

9/3/51.

10/3/51

P.W.

Rev and Finance Depts have agreed with the proposals of this dept at X to Y on page 4-5 and. A draft order is attached.

M
14.3.51

O
14.3.51